

SHB 2563 - S COMM AMD

By Committee on Labor, Commerce, Research & Development

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 66.24.010 and 2004 c 133 s 1 are each amended to read
4 as follows:

5 (1) Every license shall be issued in the name of the applicant, and
6 the holder thereof shall not allow any other person to use the license.

7 (2) For the purpose of considering any application for a license,
8 the board may cause an inspection of the premises to be made, and may
9 inquire into all matters in connection with the construction and
10 operation of the premises. For the purpose of reviewing any
11 application for a license and for considering the denial, suspension or
12 revocation of any license, the liquor control board may consider any
13 prior criminal conduct of the applicant including a criminal history
14 record information check. The board may submit the criminal history
15 record information check to the Washington state patrol and to the
16 identification division of the federal bureau of investigation in order
17 that these agencies may search their records for prior arrests and
18 convictions of the individual or individuals who filled out the forms.
19 The board shall require fingerprinting of any applicant whose criminal
20 history record information check is submitted to the federal bureau of
21 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW
22 shall not apply to such cases. The board may, in its discretion, grant
23 or refuse the license applied for. Authority to approve an uncontested
24 or unopposed license may be granted by the board to any staff member
25 the board designates in writing. Conditions for granting such
26 authority shall be adopted by rule. No retail license of any kind may
27 be issued to:

28 (a) A person doing business as a sole proprietor who has not
29 resided in the state for at least one month prior to (~~making~~

1 application)) receiving a license, except in cases of licenses issued
2 to dining places on railroads, boats, or aircraft;

3 (b) A copartnership, unless all of the members thereof are
4 qualified to obtain a license, as provided in this section;

5 (c) A person whose place of business is conducted by a manager or
6 agent, unless such manager or agent possesses the same qualifications
7 required of the licensee;

8 (d) A corporation or a limited liability company, unless it was
9 created under the laws of the state of Washington or holds a
10 certificate of authority to transact business in the state of
11 Washington.

12 (3)(a) The board may, in its discretion, subject to the provisions
13 of RCW 66.08.150, suspend or cancel any license; and all rights of the
14 licensee to keep or sell liquor thereunder shall be suspended or
15 terminated, as the case may be.

16 (b) The board shall immediately suspend the license or certificate
17 of a person who has been certified pursuant to RCW 74.20A.320 by the
18 department of social and health services as a person who is not in
19 compliance with a support order. If the person has continued to meet
20 all other requirements for reinstatement during the suspension,
21 reissuance of the license or certificate shall be automatic upon the
22 board's receipt of a release issued by the department of social and
23 health services stating that the licensee is in compliance with the
24 order.

25 (c) The board may request the appointment of administrative law
26 judges under chapter 34.12 RCW who shall have power to administer
27 oaths, issue subpoenas for the attendance of witnesses and the
28 production of papers, books, accounts, documents, and testimony,
29 examine witnesses, and to receive testimony in any inquiry,
30 investigation, hearing, or proceeding in any part of the state, under
31 such rules and regulations as the board may adopt.

32 (d) Witnesses shall be allowed fees and mileage each way to and
33 from any such inquiry, investigation, hearing, or proceeding at the
34 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
35 need not be paid in advance of appearance of witnesses to testify or to
36 produce books, records, or other legal evidence.

37 (e) In case of disobedience of any person to comply with the order
38 of the board or a subpoena issued by the board, or any of its members,

1 or administrative law judges, or on the refusal of a witness to testify
2 to any matter regarding which he or she may be lawfully interrogated,
3 the judge of the superior court of the county in which the person
4 resides, on application of any member of the board or administrative
5 law judge, shall compel obedience by contempt proceedings, as in the
6 case of disobedience of the requirements of a subpoena issued from said
7 court or a refusal to testify therein.

8 (4) Upon receipt of notice of the suspension or cancellation of a
9 license, the licensee shall forthwith deliver up the license to the
10 board. Where the license has been suspended only, the board shall
11 return the license to the licensee at the expiration or termination of
12 the period of suspension. The board shall notify all vendors in the
13 city or place where the licensee has its premises of the suspension or
14 cancellation of the license; and no employee may allow or cause any
15 liquor to be delivered to or for any person at the premises of that
16 licensee.

17 (5)(a) At the time of the original issuance of a spirits, beer, and
18 wine restaurant license, the board shall prorate the license fee
19 charged to the new licensee according to the number of calendar
20 quarters, or portion thereof, remaining until the first renewal of that
21 license is required.

22 (b) Unless sooner canceled, every license issued by the board shall
23 expire at midnight of the thirtieth day of June of the fiscal year for
24 which it was issued. However, if the board deems it feasible and
25 desirable to do so, it may establish, by rule pursuant to chapter 34.05
26 RCW, a system for staggering the annual renewal dates for any and all
27 licenses authorized by this chapter. If such a system of staggered
28 annual renewal dates is established by the board, the license fees
29 provided by this chapter shall be appropriately prorated during the
30 first year that the system is in effect.

31 (6) Every license issued under this section shall be subject to all
32 conditions and restrictions imposed by this title or by ~~((the~~
33 ~~regulations in force from time to time))~~ rules adopted by the board.
34 All conditions and restrictions imposed by the board in the issuance of
35 an individual license shall be listed on the face of the individual
36 license along with the trade name, address, and expiration date.

37 (7) Every licensee shall post and keep posted its license, or
38 licenses, in a conspicuous place on the premises.

1 (8)(a) Unless (b) of this subsection applies, before the board
2 issues a license to an applicant it shall give notice of such
3 application to the chief executive officer of the incorporated city or
4 town, if the application is for a license within an incorporated city
5 or town, or to the county legislative authority, if the application is
6 for a license outside the boundaries of incorporated cities or towns.

7 (b) If the application for a special occasion license is for an
8 event held during a county, district, or area fair as defined by RCW
9 15.76.120, and the county, district, or area fair is located on
10 property owned by the county but located within an incorporated city or
11 town, the county legislative authority shall be the entity notified by
12 the board under (a) of this subsection. The board shall send a
13 duplicate notice to the incorporated city or town within which the fair
14 is located.

15 (c) The incorporated city or town through the official or employee
16 selected by it, or the county legislative authority or the official or
17 employee selected by it, shall have the right to file with the board
18 within twenty days after date of transmittal of such notice, written
19 objections against the applicant or against the premises for which the
20 license is asked. The board may extend the time period for submitting
21 written objections.

22 (d) The written objections shall include a statement of all facts
23 upon which such objections are based, and in case written objections
24 are filed, may request and the liquor control board may in its
25 discretion hold a (~~formal~~) hearing subject to the applicable
26 provisions of Title 34 RCW.

27 (e) Upon the granting of a license under this title the board shall
28 send (~~a duplicate of the license or~~) written notification to the
29 chief executive officer of the incorporated city or town in which the
30 license is granted, or to the county legislative authority if the
31 license is granted outside the boundaries of incorporated cities or
32 towns. When the license is for a special occasion license for an event
33 held during a county, district, or area fair as defined by RCW
34 15.76.120, and the county, district, or area fair is located on county-
35 owned property but located within an incorporated city or town, the
36 (~~duplicate~~) written notification shall be sent to both the
37 incorporated city or town and the county legislative authority.

1 (9)(a) Before the board issues any license to any applicant, it
2 shall give ~~((+a+))~~ (i) due consideration to the location of the
3 business to be conducted under such license with respect to the
4 proximity of churches, schools, and public institutions and ~~((+b+))~~
5 (ii) written notice ~~((by certified mail))~~, with receipt verification,
6 of the application to churches, schools, and public institutions within
7 five hundred feet of the premises to be licensed. The board shall
8 issue no beer retailer license for either on-premises or off-premises
9 consumption or wine retailer license for either on-premises or off-
10 premises consumption or spirits, beer, and wine restaurant license
11 covering any premises not now licensed, if such premises are within
12 five hundred feet of the premises of any tax-supported public
13 elementary or secondary school measured along the most direct route
14 over or across established public walks, streets, or other public
15 passageway from the ~~((outer property line))~~ main entrance of the school
16 ~~((grounds))~~ to the nearest public entrance of the premises proposed for
17 license, and if, after receipt by the school ~~((or public institution))~~
18 of the notice as provided in this subsection, the board receives
19 written ~~((notice))~~ objection, within twenty days after ~~((posting))~~
20 receiving such notice, from an official representative or
21 representatives of the school within five hundred feet of said proposed
22 licensed premises, indicating to the board that there is an objection
23 to the issuance of such license because of proximity to a school. The
24 board may extend the time period for submitting objections. For the
25 purpose of this section, church shall mean a building erected for and
26 used exclusively for religious worship and schooling or other activity
27 in connection therewith. For the purpose of this section, public
28 institution shall mean institutions of higher education, parks,
29 community centers, libraries, and transit centers.

30 **(b)** No liquor license may be issued or reissued by the board to any
31 motor sports facility or licensee operating within the motor sports
32 facility unless the motor sports facility enforces a program reasonably
33 calculated to prevent alcohol or alcoholic beverages not purchased
34 within the facility from entering the facility and such program is
35 approved by local law enforcement agencies.

36 **(c)** It is the intent under this subsection (9) that a retail
37 license shall not be issued by the board where doing so would, in the
38 judgment of the board, adversely affect a private school meeting the

1 requirements for private schools under Title 28A RCW, which school is
2 within five hundred feet of the proposed licensee. The board shall
3 fully consider and give substantial weight to objections filed by
4 private schools. If a license is issued despite the proximity of a
5 private school, the board shall state in a letter addressed to the
6 private school the board's reasons for issuing the license.

7 (10) The restrictions set forth in subsection (9) of this section
8 shall not prohibit the board from authorizing the assumption of
9 existing licenses now located within the restricted area by other
10 persons or licenses or relocations of existing licensed premises within
11 the restricted area. In no case may the licensed premises be moved
12 closer to a church or school than it was before the assumption or
13 relocation.

14 (11)(a) Nothing in this section prohibits the board, in its
15 discretion, from issuing a temporary retail or distributor license to
16 an applicant (~~((assuming an existing retail or distributor license))~~) to
17 (~~((continue the operation of))~~) operate the retail or distributor
18 premises during the period the application for the license is pending
19 (~~((and when the following conditions exist:~~

20 ~~(a) The licensed premises has been operated under a retail or~~
21 ~~distributor license within ninety days of the date of filing the~~
22 ~~application for a temporary license;~~

23 ~~(b) The retail or distributor license for the premises has been~~
24 ~~surrendered pursuant to issuance of a temporary operating license;~~

25 ~~(c) The applicant for the temporary license has filed with the~~
26 ~~board an application to assume the retail or distributor license at~~
27 ~~such premises to himself or herself; and~~

28 ~~(d) The application for a temporary license is accompanied by a~~
29 ~~temporary license fee established by the board by rule)). The board~~
30 ~~may establish a fee for a temporary license by rule.~~

31 (b) A temporary license issued by the board under this section
32 shall be for a period not to exceed sixty days. A temporary license
33 may be extended at the discretion of the board for ~~((an))~~ additional
34 periods of sixty-days ~~((period))~~ upon payment of an additional fee and
35 upon compliance with all conditions required in this section.

36 (c) Refusal by the board to issue or extend a temporary license
37 shall not entitle the applicant to request a hearing. A temporary
38 license may be canceled or suspended summarily at any time if the board

1 determines that good cause for cancellation or suspension exists. RCW
2 66.08.130 (~~and chapter 34.05 RCW shall apply~~) applies to temporary
3 licenses.

4 (d) Application for a temporary license shall be on such form as
5 the board shall prescribe. If an application for a temporary license
6 is withdrawn before issuance or is refused by the board, the fee which
7 accompanied such application shall be refunded in full."

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8 On page 1, line 1 of the title, after "licenses;" strike the
9 remainder of the title and insert "and amending RCW 66.24.010."

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